

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Case No. 1:14-CR-39-1
	)	
CRAIG STANFORD EURY, JR.	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT STAN EURY'S RESPONSE IN OPPOSITION  
TO GOVERNMENT'S MOTION TO CONTINUE**

Defendant Stan Eury, through counsel, respectfully opposes the government's Motion seeking a continuance of this matter. In support of his position, Mr. Eury submits the following:

1. Mr. Eury was originally indicted by the grand jury for the Middle District of North Carolina on January 31, 2014. Since that time, the government has obtained two superseding indictments against Mr. Eury, one on August 27, 2014 and another on September 30, 2014.

2. After the original indictment was filed, Mr. Eury and his then co-defendants sought a continuance of the trial due to the extensive allegations and significant volume of discovery in this case. That motion was granted, and the case was continued until the September, 2014 Criminal Term of Court. [DE 21].

3. On August 27, 2014—shortly before trial was scheduled to begin on the original indictment, and nearly seven months after the original indictment—the government filed its first superseding indictment.

4. On September 30, 2014, the government filed an eighty-seven count, second superseding indictment in which it joined two previously unindicted defendants, Mr. White and Mr. Wicker; added dozens of substantive counts against all defendants; substantially altered the scope and nature of the conspiracy alleged in Count One; and otherwise substantially broadened the prior theories of this case.

5. In light of the expanded scope of the case, and particularly the introduction of defendants new to the case, Defendants requested additional time to file motions and prepare for trial, and the Court continued the trial until the May, 2014 Criminal Term of Court. [DE 58].

6. On January 19, 2015—nearly four months before the trial date set by the Court—Defendants filed a motion to dismiss Count One of the Second Superseding indictment on the ground that it was duplicitous. [DE 63]. The government could have, but elected not to, returned to the grand jury to correct the defect in Count One identified by the Defendants.

7. During the April 16, 2015 pretrial motions hearing, in response to a question from the Court, counsel for the government indicated that the government would

be able, if necessary, to seek re-indictment of the multiple conspiracies contained in Count One of the Second Superseding Indictment.

8. On April 22, 2015, upon information and belief, the clerk's office notified all counsel of record in this case of the Court's decision to dismiss Count One of the Second Superseding Indictment, and requested the position of the parties with respect to an extension of the trial date in this matter. Counsel for Mr. Eury indicated at that time that Mr. Eury was prepared to begin trial on May 4, 2015. Counsel expressed that Mr. Eury could not waive his right to additional time without first seeing the new indictment the government intended to seek, but subject to that he did not desire a continuance.

9. The conduct complained of in the remaining counts of the Second Superseding Indictment is co-extensive with the two conspiracies alleged in the now-dismissed Count One. Accordingly, it appears that trial could move forward as currently scheduled, on May 4, 2015, without expansion of the evidence to be introduced by the government. Given the length of time Mr. Eury has been under indictment, the government's desire to seek a third superseding indictment does not warrant further delay.

10. Finally, Mr. Eury's counsel have numerous scheduling conflicts in 2015 and have developed their schedule in reliance on a trial in this matter commencing in May.

11. Undersigned counsel Camden and Dowling are currently preparing for a complex jury trial in the United States District Court for the Eastern District of North Carolina involving allegations of unauthorized access to a computer system. *United States v. Shah*, 5:13-cr-00328-FL (E.D.N.C.). That trial is presently scheduled to begin on June 15, 2015, and is anticipated to last at least one week.

12. Furthermore, attorney Camden is expecting the birth of his first child due August 8, 2015, and will need to attend to familial obligations when the baby arrives, which of course could be several weeks on either side of the due date.

WHEREFORE, Defendant Stan Eury respectfully requests that the Court deny the government's motion to continue. Mr. Eury expresses this position subject to seeing the government's intended new indictment, and thus without waiving any rights—including his rights under 18 U.S.C. § 3161(c)(2)—in case the new indictment fails to correct the problem with Count One or otherwise raises unforeseen issues. If the Court elects to continue this matter, Mr. Eury respectfully requests that the Court find that the intervening time is not excludable under the Speedy Trial Act, as the ends of justice are not served by taking such action and do not outweigh the best interest of the public and the defendant in a speedy trial.

This the 24th day of April, 2015.

/s/ Kearns Davis

Kearns Davis

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*Counsel for Defendant Craig Stanford Eury, Jr.*

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date below, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Frank Chut, Esq.

Lisa S. Costner, Esq.

This the 24th day of April, 2015.

/s/ W. Michael Dowling

W. Michael Dowling